

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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MARVIN M. BRANDT and)
MARVIN M. BRANDT REVOCABLE TRUST,)
Plaintiffs,) No. 09-265L
v.) Hon. Patricia E. Campbell-Smith
UNITED STATES OF AMERICA,) (E-Filed December 7, 2015)
Defendant.)

)

JOINT STIPULATION FOR DISMISSAL

By Order, dated May 9, 2014, this Court stayed the instant case pending a final and non-appealable judgment in *United States v. Wyoming & Colorado Railroad Co., Inc.*, 2:06-cv-00184-ABJ (D. Wyo.), and ordered the parties to file a status report within 14 days of that occurrence. ECF No. 38. On September 22, 2015, the district court entered Final Judgment on Remand in *United States v. Wyoming & Colorado Railroad Co.*, which quieted title to the 1875 Act railroad right-of-way in favor of Plaintiffs in the instant case. Wyoming District Court ECF No. 222. No appeal of the district court's judgment was taken and that judgment became final and non-appealable on November 23, 2015. *See* Fed. R. App. P. 4(a)(1)(B).

Since then, the parties have conferred in good faith regarding the instant case. In light of the district court's Final Judgment on Remand in *United States v. Wyoming & Colorado Railroad Co.*, the parties hereby agree and stipulate that the instant case shall be dismissed without prejudice, pursuant to Rule 41(a)(1) of the Rules of the Court of Federal Claims, and

both parties shall bear their own attorney's fees and costs incurred in this case, except for those costs previously paid by the United States in response to the Federal Circuit's order taxing costs.

DATED this 7th day of December 2015.

Respectfully submitted,

s/ Steven J. Lechner

Steven J. Lechner, Esq.
MOUNTAIN STATES LEGAL FOUNDATION
2596 South Lewis Way
Lakewood, Colorado 80227
(303) 292-2021
(303) 292-1980 (facsimile)
lechner@mountainstateslegal.com

Attorney for Plaintiffs

DATED this 7th day of December 2015.

Respectfully submitted,

s/ Kristine S. Tardiff

Kristine S. Tardiff
United States Department of Justice
Environment & Natural Resources Division
Natural Resources Section
53 Pleasant Street, 4th Floor
Concord, NH 03301
TEL: (603) 230-2583
FAX: (603) 225-1577
E-MAIL: kristine.tardiff@usdoj.gov

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of December 2015, I electronically filed the foregoing, JOINT STIPULATION FOR DISMISSAL, using this Court's CM/ECF system, which sent a Notice of Electronic Filing to counsel of record for Defendant.

s/ Steven J. Lechner
Steven J. Lechner, Esq.
MOUNTAIN STATES LEGAL FOUNDATION
2596 South Lewis Way
Lakewood, Colorado 80227
(303) 292-2021
(303) 292-1980 (facsimile)
lechner@mountainstateslegal.com

Attorney for Plaintiffs